

Remarks

In the Office action mailed June 26, 2006, the pending claims of the present application were rejected or objected to. Claims 1-14, 16-53, and 55-78 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. App. Pub. No. 2003/0233418 ("Goldman"). Claims 15 and 54 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections and objections will be discussed below.

Amendments to Claims

Claims 1, 9, 20, 27, 38, 48, 59, 68 have been amended. Claim 1 has been amended by adding subelement f) of claim 9. Claim 9 has been amended by deleting subelement f) of claim 9 and relabeling the subsequent subelements. Claim 20 has been amended by adding subelement k) of claim 27. Claim 27 has been amended by deleting subelement k) and relabeling the subsequent subelements. Claim 38 has been amended by adding subelement f) of claim 48, deleting subelements a) and b) of claim 38, and clarifying that the database is in network communication with the plurality of recipients. Claim 48 has been amended by deleting subelement f) and relabeling the subsequent subelements. Claim 59 has been amended by adding subelement k) of claim 68, deleting subelements a) and b) of claim 58, and clarifying that the database is in network communication with the plurality of recipients. Claim 68 has been amended by deleting subelement k) and relabeling subsequent subelements. These amendments are supported by the application as originally filed (for instance, the claims mentioned above and p. 8, ln. 23-26, of the application) and no new matter has been added.

Allowable Subject Matter

Applicant thanks the Examiner for the indication of allowable subject matter.

§ 102(e)

Applicant's claims are not anticipated by Goldman. In order to anticipate a claim, a reference must teach all the elements of a claim. See Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631 (Fed. Cir. 1987). In addition, the reference must show the claimed invention "in as complete detail as is contained in the patent claim" in order to anticipate the claimed invention. Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicant asserts that Goldman fails to teach all of the elements of Applicant's claims and does not show the claimed invention in as complete detail as contained in the patent claim; therefore, the claims are not anticipated.

Claim 1

Claim 1 is novel because Goldman fails to teach all of Applicant's claimed elements in as complete detail as contained in the patent claim. Goldman fails to teach, or for that matter suggest, the claimed element:

requesting information about the sender from at least one database that compiles global statistics about senders based on information about the sender received from recipients in the network, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist, wherein the statistics are used to determine a sender's reputation. Claim 1.

Goldman teaches a network exchange module and server exchange module that allow the exchange of categorization information (i.e., whether a recipient considered a sender authorized,

unauthorized, or unconfirmed) in a network or among servers, respectively. However, there is no disclosure (or suggestion) in Goldman about compiling "global statistics about senders based on information about the sender received from recipients in the network, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist." Id.

Applicant's claimed element "wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist" is neither expressly disclosed nor inherent in Goldman's method. Id.; see Office action, p. 3. Goldman teaches that information about a single recipient's categorization of a sender is sent to all recipients in a network, storing it in a shared data structure or that, categorization information is shared between servers. See Goldman, ¶ 98 ("[W]here a sender's address is categorized as authorized, unauthorized, or unconfirmed for one recipient, the same data structure 18 may be propagated to all recipients in LAN 104."); see id., ¶ 102. Goldman only discloses determining whether individual recipients have categorized a sender and what that categorization is. Goldman does not discuss any further processing of a recipient's categorization, other than making it available to other users, storing it in a shared data structure, or distributing it amongst servers. Goldman also does not teach any analysis of the sender's activity with regard to messages sent to various recipients in the network other than determining whether individual recipients have categorized the sender. Such analysis is not inherent in Goldman's method, since Goldman is silent about what a client computer, recipient, or shared data structure receiving information about other recipients' categorizations does with that information, for instance, what

happens if two recipients have categorized the sender as authorized and two recipients have categorized the sender as unauthorized. In contrast, Applicant's claimed element "determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist" provides a much more sophisticated measurement of whether a sender is likely to send spam than Goldman does since it is unlikely that a majority of messages sent by a spammer would be sent to recipients who have included the spammer on a whitelist. Claim 1. Therefore, Goldman does not teach or even suggest compiling "global statistics about senders based on information about the sender received from recipients in the network, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist." Id. Since Goldman fails to teach (or suggest) all elements of Applicant's claim in as complete detail as is contained in Applicant's claim 1, Applicant's claim is not anticipated by Goldman.

Claims 2-19

Claims 2-19 depend directly or indirectly from independent claim 1. Applicant has shown that independent claim 1 is not anticipated by Goldman and is novel. Therefore, dependent claims 2-19 are also novel for at least the same reasons as claim 1.

Claim 20

Claim 20 is novel because Goldman fails to teach all elements of Applicant's claim in as complete detail as contained in claim 20. Goldman fails to teach, or for that matter suggest, Applicant's claimed element "compiling global statistics for senders of messages wherein the statistics are used to determine a sender's reputation for sending good

messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist." Claim 20. The sections of Goldman cited in the Office action as teaching tracking a total number of messages sent to recipients are concerned with storing categorized senders' addresses or domain names (§ 45) and periodically recategorizing categorized senders' addresses (§§ 81 and 82). See Office action, p. 3. There is no disclosure (or suggestion) in these, or other, sections of Goldman about compiling statistics including the total number of messages sent to unique recipients in the network who have included the sender on a whitelist.

There is no discussion in Goldman about compiling "global statistics about senders based on information about the sender received from recipients in the network, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist." Claim 20. Goldman teaches a network exchange module and server exchange module that allow the exchange of categorization information (i.e., whether a recipient considered a sender authorized, unauthorized, or unconfirmed) in a network or among servers, respectively. Goldman also teaches that information about a single recipient's categorization of a sender is sent to all recipients in a network, stored in a shared data structure, or that categorization information is shared between servers. See Goldman, § 98 ("[W]here a sender's address is categorized as authorized, unauthorized, or unconfirmed for one recipient, the same data structure 18 may be propagated to all recipients in LAN 104."); see id., § 102. Goldman only discloses determining whether individual recipients have categorized a sender and what that categorization is. Goldman does not discuss any further processing of a recipient's categorization, other than sending it to other users, storing

it in a shared data structure, or distributing it amongst servers. Goldman also does not teach (or suggest) any analysis of the sender's activity with regard to messages sent to various recipients in the network other than determining whether individual recipients have categorized the sender. Goldman is silent about what a client computer, recipient, or shared data structure receiving information about other recipients' categorizations does with the received information. In contrast, Applicant's claimed element of "compiling global statistics for senders of messages wherein the statistics are used to determine a sender's reputation for sending good messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist" provides a much more sophisticated measurement of whether a sender is a spammer than Goldman does since it is unlikely that a spammer would send many messages to recipients who have included that sender on a whitelist. Claim 20. Therefore, Goldman fails to teach or even suggest "compiling global statistics for senders of messages wherein the statistics are used to determine a sender's reputation for sending good messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist." Id. Since Goldman fails to teach (or suggest) all the elements of Applicant's claim in as complete detail as is present in the claim, Applicant's claim 20 is not anticipated by Goldman and is novel.

Claims 21-37

Claims 21-37 depend directly or indirectly from claim 20. Applicant has shown claim 20 is not anticipated. Therefore, dependent claims 21-37 are also novel for at least the same reasons as claim 20.

Claim 38

Claim 38 is novel because Goldman fails to teach all of Applicant's claimed elements in as complete detail as contained in the patent claim. Goldman fails to teach, or for that matter suggest, the claimed element "software means for . . . compiling global statistics for senders of messages, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist."

Claim 38. Goldman teaches a network exchange module and server exchange module that allow the exchange of categorization information (i.e., whether a recipient considered a sender authorized, unauthorized, or unconfirmed) in a network or among servers, respectively. However, there is no disclosure (or suggestion) in Goldman about "software means for . . . compiling global statistics for senders of messages, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist." Id.

Applicant's claimed element "software means for . . . compiling global statistics for senders of messages, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist" is neither expressly disclosed nor inherent in Goldman's method. Id.; see Office action, p. 3. Goldman teaches that information about a single recipient's categorization of a sender is sent to all recipients in a network, stored in a shared data structure, or that categorization information is shared between servers. See Goldman, ¶ 98 ("[W]here a sender's address is categorized as authorized, unauthorized, or unconfirmed for one recipient, the same data structure 18 may be propagated to all recipients in LAN 104."); see id., ¶ 102.

Goldman only discloses determining whether individual recipients have categorized a sender and what that categorization is. Goldman does not discuss any further processing of a recipient's categorization, other than making it available to other users, storing it in a shared data structure, or distributing it amongst servers. Goldman also does not teach any analysis of the sender's activity with regard to messages sent to various recipients in the network other than determining whether individual recipients have categorized the sender. Such analysis is not inherent in Goldman's system, since Goldman is silent about what a client computer, recipient, or shared data structure receiving information about other recipients' categorizations does with that information, for instance, what happens if two recipients have categorized the sender as authorized and two recipients have categorized the sender as unauthorized. In contrast, Applicant's claimed element "software means for . . . compiling global statistics for senders of messages, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist" provides a much more sophisticated measurement of whether a sender is likely to send spam than Goldman does since it is unlikely that a majority of messages sent by a spammer would be sent to recipients who have included the spammer on a whitelist. Claim 38. Therefore, Goldman does not teach or even suggest compiling "software means for . . . compiling global statistics for senders of messages, wherein compiling statistics includes determining a ratio reflecting whether the sender sends a majority of messages to recipients who have included the sender on a whitelist." Id. Since Goldman fails to teach (or suggest) all elements of Applicant's claim in as complete detail as is contained in Applicant's claim 38, Applicant's claim is not anticipated by Goldman.

Claims 39-58

Claims 39-58 depend directly or indirectly from independent claim 38. Applicant has shown that claim 38 is not anticipated. Therefore, dependent claims 39-58 are also novel for at least the same reasons as claim 38.

Claim 59

Claim 59 is novel because Goldman fails to teach all element of Applicant's claim is as complete detail as contained in claim 59. Goldman fails to teach, or for that matter suggest, Applicant's claimed element "software means for . . . compiling statistics for senders of messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist." Claim 59. The sections of Goldman cited in the Office action as teaching tracking a total number of messages sent to recipients are concerned with storing categorized senders' addresses or domain names (§ 45) and periodically recategorizing categorized senders' addresses (§§ 81 and 82). See Office action, p. 3. There is no disclosure (or suggestion) in these, or other, sections of Goldman about means for compiling statistics including the total number of messages sent to unique recipients in the network who have included the sender on a whitelist.

There is no discussion in Goldman about compiling "software means for . . . compiling statistics for senders of messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist." Claim 59. Goldman teaches a network exchange module and server exchange module that allow the exchange of categorization information (i.e., whether a recipient considered a sender authorized, unauthorized, or unconfirmed) in a network or among servers, respectively.

Goldman also teaches that information about a single recipient's categorization of a sender is sent to all recipients in a network, stored in a shared data structure, or that categorization information is shared between servers. See Goldman, ¶ 98 ("[W]here a sender's address is categorized as authorized, unauthorized, or unconfirmed for one recipient, the same data structure 18 may be propagated to all recipients in LAN 104."); see id., ¶ 102. Goldman only discloses determining whether individual recipients have categorized a sender and what that categorization is. Goldman does not discuss any further processing of a recipient's categorization, other than sending it to other users, storing it in a shared data structure, or distributing it amongst servers. Goldman also does not teach (or suggest) any analysis of the sender's activity with regard to messages sent to various recipients in the network other than determining whether individual recipients have categorized the sender. Goldman is silent about what a client computer, recipient, or shared data structure receiving information about other recipients' categorizations does with the received information. In contrast, Applicant's claimed element of "software means for . . . compiling statistics for senders of messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist" provides a much more sophisticated measurement of a whether a sender is a spammer than Goldman does since it is unlikely that a spammer would send many messages to recipients who have included that sender on a whitelist. Claim 59. Therefore, Goldman fails to teach or even suggest "software means for . . . compiling statistics for senders of messages, the statistics including a total number of messages sent to unique recipients in the network who have included the sender on a whitelist." Id. Since Goldman fails to teach (or suggest) all the elements of

Applicant's claim in as complete detail as is present in the claim, Applicant's claim 59 is not anticipated by Goldman and is novel.

Claims 60-78

Claims 60-78 depend directly or indirectly from independent claim 59. Applicant has shown claim 59 is not anticipated. Therefore, dependent claims 60-78 are also novel for at least the same reasons as claim 59.

Conclusion

Applicant has amended claims 1, 9, 20, 27, 38, 48, 59, and 68. Applicant has shown the pending claims are not anticipated by the cited reference. A Notice of Allowance is requested.

Please contact the undersigned attorney at (408) 297-9733 between 9 a.m. and 5 p.m. PST with any comments or questions.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: _____

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Respectfully submitted,



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